REMARKS/ARGUMENTS

This application has been carefully considered in light of the Final Office Action. A three month extension of time is submitted herewith together with a Request for Continued Examination. Claims 1,3,5-13,18-25 and new claims 26 and 27 remain pending in the application. Any additional fees required for new claims 26 and 27 may be charged to Deposit Account 04-1577.

Claims 1, 6, 7, 9, 12, 18, 21 and 22 have been rejected under 35 U.S.C. 103(a) as being obvious over US Patent 4,973,219 to Brickner et al when considered in light of the teachings of JP 07172317 to Yamashita and further in view of Sommer, US Patent 3,498,477. Claim 8 has been rejected over Brickner et al when considered in view of the teachings of Yamashita and Sommer when considered with the further teachings of US Patent 6,161,887 to Shiota.

Claims 19 and 23 have been rejected for obviousness over a combination of the teachings of Brickner et al in view of Yamashita when considering the additional structure disclosed in US Patent 5,915,906 to Lucking.

Claim 20 has been rejected over a combination of Brickner et al, Yamashita and Sommer when considered with the teachings of Lucking, US Patent 5,915,906 and Shiota. Claims 24 and 25 have been rejected as being obvious over a combination of Brickner et al and Nordstrom, US Patent 4,043,285 when further considered in light of the teachings of Yamashita and Sommer.

The Examiner has indicated that claims 3 and 5 are allowed and that claims 10, 11 and 13 are directed to allowable subject matter and would be allowed if amended to include the limitation of the base claim and any intervening claims.

Claim 1 has been further amended to define that "an arrangement of said grid track system being such that said at least one transfer unit is centered over a vertical cell at the intersections of said pairs of first and second parallel tracks and such that said at least one transfer unit is centered by being movable in either said first or second direction." Claim 24 has been similarly amended. It is respectfully submitted that the references taken individually or in the combinations suggested do not teach these characteristics of a material handling and storage system. The reference to Brickner et al has been further considered and it is respectfully submitted that it would not be obvious to modify the track system therein to create

a system of first and second pairs of parallel tracks that intersect in an X-Y pattern so that the transfer unit 14 therein may move above all the storage cells in an X motion on the first set of tracks and in a Y motion along the second set of tracks, as is the case with the present invention. Further, it is not believe the Brickner et al system is compatible with the systems taught by either Yamashita and/or Sommer. The Examiner points out that the parallel tracks that pass over the storage cells in Brickner et al are first tracks that intersect with second tracks at the ends of the first tracks. This track arrangement only permits the transfer unit 14 to move from one of the longitudinally extending tracks to an outer track so that the unit moves in a loop manner that has no X-Y motion above the storage cells themselves. The additional amendment to the claims requires the grid track system to be positioned such that the transfer unit is centered over the storage cells when adjacent the intersections in the first and second pairs of tracks when moving in both first and second directions that are perpendicular relative to one another.

The reference to Yamashita shows an X-Y track system but does not teach any need for a relationship to be established between the track system and lower storage cells, as is the case with the present invention, see the discussion at paragraph

[0061] of the current application. Yamashita is silent as to any storage cells from which shipping containers may be selectively placed, stored and retrieved in a manner as set for in the present application.

The Examiner has stated that replacing one storage unit and track system with another that achieves an identical result is predictable and obvious. The Examiner further states that not only would the grid track system of Yamashita be incorporated into the combination with Brickner, but that the motor unit, rails, drive etc. would replace those disclosed in Brickner. It is respectfully submitted that the substitution of the X-Y system of Yamashita in Brickner would not be obvious for the very reasons the Examiner states on the record, because, to do so, requires the entire operating system of Brickner to be changed. It must be remembered that the Brickner system is a monorail system and the orientation of the grid tracks is necessarily different than Yamashita. Again, Yamashita is silent as to a relationship between storage cells and first and second tracks of a grid track system. It is again submitted that the Brickner and Yamashita structures are so radically different that one of ordinary skill in the art would not look to modify the basic support, storage and track systems of one, to modify the support, storage and track system of the other.

Further, as previously discussed in response to earlier rejections, the cross rails in Yamashita are not open at the intersections, as required by the current claims, but are closed by direction changing plates 6. In order to change the direction of movement of the ring rail 7, the ring rail of Yamashita must be supported by four plates 6 which must be rotated in unison while carrying whatever weight is placed on the ring rail.

The X-Y movement of applicants' system is important to allow transfer units to move efficiently above any of the cells with the ability to move about other transfer units within the track system quickly, see paragraphs 0040, 0044 and 0061 of the current application. As previously noted, in Brickner, if one shuttle approaches another along one of the monorails, the shuttles must either follow one another or move in reverse directions and there is no provision for lateral movement without moving in complete loops which results is wasted time and increased wear and tear on the system components and the shuttle.

With respect to the newly cited reference to Sommer, this patent does not disclose a track system having intersecting first and second sets of parallel tracks but rather discloses a traditional bridge crane movement wherein fore and aft motion is controlled by the bridge being movable along rails 120 and 122

that are provided on opposite sides of the deck, see Fig. 4. Transverse motion of the transfer units is accomplished using first and second trolleys 160 and 170, see the description at column 5 beginning at line 35 of the reference and Fig. 4. Thus, Sommer does not disclose intersecting first and second sets of parallel tracks as is taught in the present invention. Therefor, even if one were to combine the bridge crane system of Sommer with Brickner et al, the resultant system would not anticipate applicants' system nor be operative in the same manner.

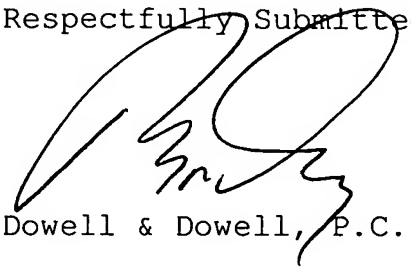
In view of the foregoing, it is respectfully submitted that claims 1, 6, 7, 9, 12, 18, 21, 22, 26 and 27 are distinguishable over Brickner et al and the proposed combinations and should therefore be in condition for formal allowance. The secondary references to Shiota,Lucking and Nordstrom are not believed to teach the differences between the primary references and the current invention and thus the claim rejected over the addition combinations including claims 8, 19, 23, 24 and 25 should be allowable over the art.

Favorable consideration and allowance of the claims is respectfully solicited. It is requested that the Examiner grant a personal interview with the undersigned attorney if the Examiner continues to reject the claims. This interview is requested

prior to the Examiner taking any action which may be considered Final.

Please note the new communication information with respect to the office of the attorney of record.

Respectfully Submitted,



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